

REMARKS

Claims 2, 5-14, 16 and 19-21 are currently pending in this application. In the Office Action mailed October 16, 2006 (the "Office Action"), claims 2, 5-8, 11-14 and 16 were allowed, claim 19 was objected to but deemed allowable if rewritten in independent form, and claims 1, 9, 10, 15, 17, 18 were rejected under 35 USC 102(b) due to US Pat. No. 6,074,343.

In response, Applicants have cancelled claims 1, 3-4, 15 and 17-18, amended claims 9-10 to depend from allowed claim 2, amended claim 19 to into independent form, and added new claims 20-21 which depend from allowed claim 19. No new matter has been introduced via these amendments. Applicants respectfully request favorable consideration of the present application in light of these amendments to the claims. More specifically, none of the currently pending claims (2, 5-14, 16, and 19-21) appears to be anticipated or rendered obvious by any cited prior art. An indication of allowance with regard to claims 2, 5-14, 16 and 19-21 is hereby earnestly solicited.

In the event that there are any questions concerning this Amendment or the application in general, the Examiner is cordially invited to telephone the undersigned attorney so that prosecution may be expedited.

Respectfully submitted,
NUVASIVE, INC.

By: 

Jonathan Spangler, Esq.
Registration No. 40,182

PATENT
Application Serial No. 10/608,362
Attorney Ref. No. 023US1

4545 Towne Centre Court
San Diego, CA 92121
Tel.: (858) 909-1807

Date: January 17, 2007